

KIRTLAND CITY COUNCIL MINUTES

February 19, 2020

The meeting of Kirtland City Council was called to order at 7:20 p.m. by Council President Richard Lowery. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: Scott Haymer, Richard Lowery, Jeffrey Ruple, Matthew Schulz, Joseph Smolic and Kelly Wolfe. Absent: John Lesnick.

Administrative personnel present were: Mayor Kevin Potter, Assistant Finance Director Louis Slapnick, City Engineer Philip Kiefer, Police Chief Lance Nosse and Economic Development Manager Monica Drake.

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Mr. Schulz moved to suspend the Rules of Council in order to consider Ordinance No. 20-O-12 out of the agenda sequence. Mrs. Wolfe provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).**

ORDINANCE NO. 20-O-12
(Mayor Potter)

- **AN ORDINANCE CONFIRMING THE APPOINTMENT OF MATTHEW A. LALLO AS DIRECTOR OF LAW, ESTABLISHING A WAGE AND FEE ARRANGEMENT WITH MATTHEW A. LALLO, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Schulz moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).**

Upon discussion, Mr. Ruple moved to amend Ordinance No. 20-O-12 as follows: In Section I, commencing date changed to February 19, 2020, and add the language "unless removed pursuant to the City Charter" at the end of the sentence; in Section III, commencing date changed to February 19, 2020, and add a sentence to read as follows: "The Law Director shall be enrolled in the Ohio Public Employee's Retirement System and the City shall pay the full employer contribution and the portion, if any, of the Law Director's contribution required by the PERS." Mr. Schulz seconded the motion to amend. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt the legislation as amended. Mrs. Wolfe provided the second. Mr. Schulz stated that Mr. Lallo comes with good recommendations, and he appreciates Mr. Lallo's interest in the City. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).** Council President Lowery welcomed Mr. Lallo as the new Law Director. Mr. Lallo thanked Council for their vote of confidence, noting that he looks forward to assisting the City as Law Director.

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MINUTES OF THE JANUARY 22, 2020 COMBINED MEETING:

Mr. Schulz moved to waive the reading of the minutes, with the second by Mr. Smolic. The motion of Council passed by unanimous vote. Mr. Schulz moved to approve the Minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).**

MINUTES OF THE FEBRUARY 3, 2020 WORK SESSION:

Mr. Smolic moved to waive the reading of the minutes, with the second by Mrs. Wolfe. The motion of Council passed by unanimous vote. Mr. Smolic moved to approve the Minutes, as presented, with the second by Mrs. Wolfe. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).**

MINUTES OF THE FEBRUARY 3, 2020 COUNCIL MEETING:

Mr. Schulz moved to waive the reading of the minutes, with the second by Mrs. Wolfe. The motion of Council passed by unanimous vote. Mr. Schulz moved to approve the Minutes, as presented, with the second by Mrs. Wolfe. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Police Chief Lance Nosse welcomed Mr. Lallo, noting that he looks forward to working with him. Chief Nosse noted that he distributed the January reports. Noting that it was brought to his attention by Councilman Lesnick, the Chief stated that a study will be done regarding syncing the traffic lights on the Route 306 corridor to make traffic run smoother.

Chief Nosse stated that the School Resource Officer finished ALICE (active shooter) training and is now a certified instructor; he can reach out to congregations in the City if they are interested. The Chief also stated that Officer Petric completed extensive training relating to computer forensics, and he is now certified for electronic investigation for a multitude of matters. There was no cost to the City for the training, and the City now has equipment that can be used if necessary.

Referring to the report, Councilman Haymer inquired what is meant by “assisting other agencies and departments.” Chief Nosse replied that if another City is unable to process a computer, cell phone or some other electronic, they can reach out to Kirtland to help obtain evidence. After it was clarified that Mr. Haymer’s question related to the monthly report, Chief Nosse stated that it refers to assistance provided to the Service Department, the Fire Department, or another municipality. He provided examples of the type of assistance that could be provided. He noted that assistance is also provided to Lakeland Community College.

Economic Development Manager Monica Drake reported that she completed the Route 306/Route 6 corridor property inventory, comparing business locations with the property. She stated that she is also noting the available acreage and the property zoning, noting that it will be a helpful tool to have the businesses identified with contact information.

Ms. Drake stated that she went on a business extension and retention call this past week to one of the manufacturing operations in the City, noting that they are looking to expand their operations. She stated that they are in an unsewered area and are paying \$625 per month to have a Class 3 operator come out and look at their septic tank, and they would love to have sewers. Ms. Drake stated there is a high level of cost that commercial operations incur to have their septic fields inspected, and their ability to expand is affected due to lack of sewers. Ms. Drake stated that she made contact with Jobs Ohio, and they have grant funds available for manufacturing facilities that have potential of coming into an unsewered area; they can assist with bringing sewers to that location.

DEPARTMENT REPORTS (continued):

Ms. Drake stated that last Friday she went to Hudson and met with personnel from Planning and Zoning and Economic Development. She stated that it was very educational, noting that she wanted to meet with a City that has been successful in those areas. She noted that they have high-speed internet, which draws in businesses that need high-speed internet. She stated that they also have a very robust Geographic Information System (GIS) for mapping that layers their zoning onto the GIS. Ms. Drake noted that there are a lot of tools that can be used with GIS.

Councilman Ruple noted that a resident inquired if there is any potential competition on the horizon for internet providers. Mayor Potter noted that this question has been raised before; he stated that any company can come in and run their lines, but it would be at their cost. The Mayor stated that he is not aware of any companies that are currently considering adding services in Kirtland.

Councilman Schulz noted that there was brief discussion at the combined meeting regarding small cell legislation; he noted that he shared legislation from Lakewood. Mr. Schulz noted that Mr. Lallo can look into this, in terms of how the City controls this use coming into the City; he noted that he will provide Mr. Lallo with a copy of the Lakewood legislation.

City Engineer Philip Kiefer stated that after the last meeting he went out to Gildersleeve regarding Council's concerns about ponding/pooling; he e-mailed the contractor and asked them to move some of the rocks out of the middle of the channel. Noting that he went out again today, he saw that it is getting worse, so he put it on his punch list to finish the job. Council President Lowery thanked Mr. Kiefer for the follow-up, noting that the neighbor had contacted him with concerns. Mr. Kiefer stated that he also looked into constructing an embankment on the east side of the road, and he sent conceptual drawings to the Mayor and Councilman Schulz. He had an estimated project cost of \$37,000; he talked to Mr. Martz, who believes it can be done in-house, and if so, it can be constructed for a lot less cost.

Mr. Kiefer stated he has not heard if the City received anything yet from the EPA. Mayor Potter advised that the City received correspondence today.

Mr. Kiefer stated that he talked to the engineer for the Cocca property, and they are looking to put in a housing development with 30 units. Noting that the housing must connect to the sewer, Mr. Kiefer stated that the City can sell some of its excess capacity for that purpose, in order to replenish that fund.

Assistant Finance Director Louis Slapnick advised that the January month-end report has been reconciled. He stated that the Finance Department is continually working on the 2020 budget, noting that the appropriation ordinance and transfer ordinance will be on the next meeting agenda.

Mr. Slapnick stated that the Finance Department is compiling the GAAP (Generally Accepted Accounting Principles) paperwork.

Councilman Smolic inquired if there will be three meetings in March in order to have three readings of the appropriation legislation. Mayor Potter stated that it is likely, noting that it is Council's decision if they wish to schedule a special meeting. The Mayor noted that the budget needs to be adopted by the end of March. It was noted that a legal notice will be published and posted if a special meeting is scheduled.

Law Director Matthew Lallo advised that he spoke to the Police Chief briefly with regard to prosecution matters, noting that he will begin addressing cases in the Willoughby Municipal Court in March. Mr. Lallo stated that he spoke with the current prosecutor, Jamie Eck, and she has agreed to step in if necessary, if he is unable to attend any of those hearings. Mr. Lallo noted that he plans to meet with the Police Chief to discuss various issues and strategies to accomplish what needs to be done. He welcomed the members of Council and Administration to reach out to him if they have any issues to discuss.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter thanked Council for waiving the readings on the legislation confirming the appointment of Mr. Lallo as Law Director. The Mayor stated that he has confidence that Mr. Lallo is the right fit for Kirtland, as the City moves forward with various issues. The Mayor noted that the City received the expected correspondence today from the Ohio EPA. Mayor Potter stated his appreciation for the previous Law Director, Mr. Richards, for the many years he has served the City.

The Mayor thanked Helen Petersburg and Cindy Gabor for their work in organizing the ministers' luncheon today at City Hall; he also thanked the Service Department personnel for their work in setting up and tearing down in Council Chambers. He noted that area ministers and representatives of area civic groups meet once per month in the City.

Mayor Potter stated that last week he had an opportunity to visit with the other western Lake County Mayors – Mayor Regovich of Willowick, Mayor Barbish of Wickliffe, Mayor Fiala of Willoughby, Mayor Morley of Eastlake, and Mayor Gardner of Willoughby Hills. He noted that the “State of the Cities” is organized by the Western Lake County Chamber of Commerce, and each Mayor had an opportunity to speak briefly about the state of their cities. He stated that all of the Mayors are hard-working and willing to share their experiences, strengths and hopes for their cities.

The Mayor thanked Mr. Slapnicker and Mrs. Kovalchik, noting that they are working very hard on the budget to get the Ordinance put before Council at the next meeting. He noted that last Saturday he, Mr. Smolic and Mr. Lesnick met and had a good discussion relative to the capital budget; he met with the Chiefs last week regarding capital and other fund issues. He stated his appreciation of everyone's patience throughout this process.

Mayor Potter stated that he met with representatives of North Star Towers last week and the week before, including a walk-through with Chief Nosse and Service Administrator Martz, with regard to the forthcoming wireless tower at City Hall. He noted that construction is expected to begin in March or April.

The Mayor advised that the SME road report is expected next week, noting that he will share that with Council once it is received.

The Mayor noted that the Charter Review Committee will begin holding meetings; he stated that he is meeting with the Chairman this weekend to set the course. He stated that at the suggestion of the Committee Chairman, Ms. Petersburg set up City e-mail accounts for the Committee members so they can correspond amongst themselves through the City e-mail, rather than through their personal e-mail accounts, in case there is a public records request in the future. Responding to an inquiry from Councilman Schulz, Mayor Potter stated that the meeting this weekend is not with the whole Committee; it is with the Chairman. He stated that if one or two Council members wish to attend, that would be fine, noting that the meeting will be held on Saturday morning at 9:30 a.m.

STANDING COMMITTEE REPORTS:

Noting that he had a brief discussion with Chief Nosse, Councilman Smolic stated that the Police and Fire Standing Committee and the Planning and Zoning Standing Committee should meet soon to take another look at the off-street parking ordinance, along with some other areas that the Chief would like to look into.

Mayor Potter requested that Councilwoman Wolfe schedule a Public Relations Standing Committee meeting soon to discuss aspects of social media, to determine how the City can do a better job of communicating to the public. Mrs. Wolfe inquired if Ms. Drake would like to meet with the Committee regarding information she would like posted on the website; Ms. Drake indicated that she would be interested in meeting with the Committee. Noting that Ms. Petersburg makes the changes to the website, Mayor Potter suggested that the meeting be scheduled at a time when she is available as well.

CORRESPONDENCE:

Council President Lowery acknowledged receipt of correspondence dated February 14, 2020 from the Ohio EPA, which was received at City Hall today. Mr. Lowery noted that the EPA will follow up with the City with an updated draft of the proposed Findings and Orders. Mayor Potter stated that a month ago, he, Mr. Kiefer, Ms. Drake and Mr. Lowery had a conference call with the Ohio EPA relating to the current situation, and he requested that they send written correspondence summarizing that telephone conference and the next steps. He noted that the correspondence acknowledges that legislation was passed authorizing the Mayor to enter into negotiations with the Ohio EPA, and that the EPA is willing to enter into such negotiations. The Mayor noted that information will be provided to the residents once the City is aware of the next steps. Mayor Potter noted that the “clock” on the project will start once the City reaches out to the EPA and enters into negotiations. The Mayor noted that all grant opportunities will be looked into for the benefit of the residents.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:

There were no public comments.

RESOLUTION NO. 20-R-13
(Council as a Whole)

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A RESOLUTION AMENDING RESOLUTION NO. 19-R-55 RELATING TO ESTABLISHING RULES, TIME AND PLACE OF COUNCIL MEETINGS FOR THE PERIOD FROM DECEMBER 1, 2019, THROUGH NOVEMBER 30, 2020, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Mr. Schulz moved to waive the three readings, with the second by Mr. Ruple. For clarification, Council President Lowery stated that the amendment relates to changing the regular March 16 meeting to March 23, to allow the Board of Elections to set up for the Primary Election held in Council Chambers. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

Councilman Smolic wished Mr. Lallo the best of luck, noting that he looks forward to working with him.

Mayor Potter expressed his appreciation to Mr. Kiefer for his service to the City of Kirtland for the last 31 years.

On behalf of City Council and himself, Council President Lowery stated that it has been a pleasure working with Mr. Kiefer and thanked him for his many years of service to the City. Mr. Kiefer stated that it has been a pleasure working with the City of Kirtland.

CONTINUING CONCERNS:

Council President Lowery noted that this is an opportunity for residents to address Council about any continuing concerns. There were no concerns brought up by the public.

ADJOURNMENT:

Mr. Ruple moved to adjourn, with the second by Mr. Schulz. The motion of Council passed by unanimous vote and the meeting adjourned at 8:07 p.m.

President of Council

Clerk of Council